Region6news

Tuesday, August 27, 2019

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1 – East Texans raise health concerns after possible exposure to toxic power plant emissions, KETK, 8/26/19
https://www.easttexasmatters.com/news/local-news/east-texas-power-plant-called-out-for-dangerous-air-emissions/
Some East Texas are questioning the quality of air after possible exposure from a local power plant. Paulette Goree is a native of East Texas. She grew up in Beckville, not far from the Martin Lake Power Plant. She and her husband are now retired and trying to enjoy some well-deserved relaxation and fun.

2 – The public should have a say before anyone cuts a pipeline through the Texas Hill Country, TribTalk, 8/26/19
https://www.tribtalk.org/2019/08/26/the-public-should-have-a-say-before-anyone-cuts-a-pipeline-through-the-texas-hill-country/
A few weeks ago, construction on the Mopac Expressway near Slaughter Lane in Austin came to an abrupt halt when the workers encountered a larger than normal karst feature. Karst features are essentially holes in the limestone underneath our feet that channel water from the surface into our underground aquifers. They stopped because construction around karst features has to be done carefully to ensure both that surface water can reach the aquifer and that the water isn't contaminated on its way there.

3 Scalise presses federal funding of Houma-area Morganza to the Gulf levee after aerial tour, Times Picayune, 8/26/19
https://www.nola.com/news/environment/article_e41bcd92-c82d-11e9-b7b7-8fda08219315.html
U.S. Rep. Steve Scalise, R-Jefferson, used an aerial tour of the half-complete 98-mile Morganza to the Gulf hurricane levee system that surrounds the Houma area on Monday morning to press for $2.1 billion in federal money to complete the project.

4 — Two Years After Hurricane Harvey, Port Arthur Remains in Disaster Recovery Limbo, Observer, 8/27/19
https://www.texasobserver.org/two-years-after-hurricane-harvey-port-arthur-remains-in-disaster-recovery-limbo/
Two years after Hurricane Harvey hit, Beatrice Sanders sat on the raised deck of her new home in Port Arthur, telling me that God had answered her prayers. Last fall, government contractors finally tore down the three-bedroom house Sanders bought with her late husband more than 40 years ago in the city's Montrose neighborhood, replacing it with a new home—this one perched on stilts six feet above the ground.

5 — Floodplain Maps Are Outdated. This Scientist Wants to Change That., Observer, 8/26/19
https://www.texasobserver.org/floodplain-maps-are-outdated-this-scientist-wants-to-change-that/#
alk to any scientist long enough, and eventually they'll bring up an old aphorism: all models are wrong, but some are useful. Even with better data, and more sophisticated tools to collect it, there's no truly perfect way to capture the dynamic world that we live in. Two years ago, Texans learned that truth the hard way when Hurricane Harvey hit the Texas coast.

6 — Farmer is dumping 12,000 gallons of milk a day. Here's why, CNN, 8/22/19
https://www.cnn.com/videos/health/2019/08/22/dangerous-pfas-in-bloodstreams-most-americans-cdc-marsh-dnt-newday-vpx.cnn
video

7 – Baton Rouge groundwater commissioners grapple with size of aquifer problems, path for future, Advocate, 8/26/19
https://www.theadvocate.com/baton_rouge/news/article_40ec02e4-c68f-11e9-9142-c31fc51d212e.html?utm_medium=social&utm_source=twitter&utm_campaign=user-share
Members of a commission struggling to create a 50-year strategic plan for managing the region's aquifer tossed around a lot of ideas at a recent meeting for preserving the vital resource but endorsed no specific measures. The Capital Area Ground Water Conservation Commission, which manages the multiparish Southern Hills aquifer, has been under pressure from critics to move more aggressively to protect the region's drinking water supply from salt water intrusion coming from the south.

8 — As downstream parishes watch, Corps reanalyzes expected impact of Baton Rouge drainage plan, Advocate, 8/25/19
https://www.theadvocate.com/baton_rouge/news/article_42d559a4-c084-11e9-be9d-5f0c37e7cc80.html?utm_medium=social&utm_source=twitter&utm_campaign=user-share
Neighboring parishes downstream from Baton Rouge have cast a wary eye on a $255 million Army Corps of Engineers project to clear out East Baton Rouge's waterways using federal dollars coming to the region after the August 2016 flood. Birthed after the 1983 flood but stalled for decades, the clearing and dredging plan passed an important milestone when authorities with the city-parish, Central, state and federal government announced this month that they'd found a way to finance a critical $65.6 million match.

9 — Tainted Water, Ignored Warnings and a Boss With a Criminal Past, 8/25/19
https://www.nytimes.com/2019/08/24/nyregion/newark-lead-water-crisis.html
In the year after receiving test results showing alarming levels of lead in this city's drinking water, Mayor Ras Baraka of Newark made a number of unexpected decisions. He mailed a brochure to all city residents assuring them that "the quality of water meets all federal and state standards."

10 – AIR POLLUTION: Greens win big on ozone standards, EE News, 8/23/19
https://www.eenews.net/greenwire/stories/1061045251
Environmentalists scored a major win today as a federal appeals court rejected industry challenges to Obama-era ozone standards and ordered EPA to take a closer look at one part of the requirements that green groups deemed too lenient. The long-awaited decision by the U.S. Court of Appeals for the District of Columbia Circuit cast aside several industry and red-state arguments that the 2015 primary ozone standard — which said levels of the air pollutant must be limited to 70 parts per billion to protect public health — was impossible to achieve (Greenwire, Aug. 23).

11 – Houstonians Urged To Participate In State Flood Planning Process, Houston Public Media, 8/26/19
https://www.houstonpublicmedia.org/articles/news/local/2019/08/26/343998/houstonians-urged-to-participate-in-state-flood-planning-process/
Texas water officials were in Houston as part of a statewide series of flooding town hall meetings to plan for future storms. The Texas Water Development Board held workshops across the state in August to get public comment on what they're calling the first-ever statewide flood plan. In January, the agency presented a State Flood Assessment report to the legislature, calling for accurate floodplain maps, updated rainfall data, and a unified, coordinated state strategy to plan for flooding. According to the report, the projected cost of future flood mitigation in Texas is at least $31.5 billion, and the statewide funding shortfall is estimated to be at least $18 billion.

12 — EPA: Top official's move renews anger over teleworking limits, EE News, 8/26/19
https://www.eenews.net/stories/1061079955
Employees and union officials at EPA are frustrated with the agency's decision to have a top leadership aide work from his home state starting next month. The move has reignited tensions over a recent contract imposed by EPA management limiting teleworking flexibility for many agency staffers.

80°

WEATHER ALERTS /Heat Advisory: **Angelina, Cherokee, Houston, Nacogdoches, Panola, Rusk, Sabine, San Augustine, Shelby, Trinity**

LOCAL NEWS

East Texans raise health concerns after possible exposure to toxic power plant emissions

by: AnnaLise Coble

80°

Paulette Goree is a native of East Texas. She grew up in Beckville, not far from the Martin Lake Power Plant.

She and her husband are now retired and trying to enjoy some well-deserved relaxation and fun.

“We just like to enjoy being outside, we like to go to the lake, but all of that is limited a lot of times by the quality of air we have,” said Goree.

The Sierra Club, an environmental organization, says the air quality is a much bigger problem than most residents know.

“It is the source of what’s called a non-attainment area or an area that doesn’t comply with the public health standard,” said Chrissy Mann with the Sierra Club.

The plant was designated as just that under the 2016 Clean Air Act by the Environmental Protection Agency.

“Emissions have gone up, they’ve doubled since 2016, so the emissions that they had last year, literally over twice that than they had in the year they were found to be not complying with the public health standard,” said Mann.

With the emissions increasing, Goree recalls the past and has even more concern about the future.

“I did lose a sister to COPD, my father had respiratory problems and they all lived in this area and you hear that all the time and you can’t help but think about that,” said Goree.

Now, the Sierra Club has put the EPA on notice and they plan to sue the agency if they don’t see change very soon.

80°

pollution," said Mann.

The Sierra Club says the EPA has responded by trying to change the designation on the plant. Mann says the effort put in by the EPA to avoid fixing the issues could be better spent by enforcing their own regulations on the East Texas plant. Goree hopes to see change and progress, not only for her but for future generations.

"It's too late for me," said Goree. "I've already got breathing issues, my husband already has breathing issues, it's too late for us, but we want it to be better for our children."

You can look up the reports for Rusk County emissions HERE.

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H-E-B recalls ice cream from more than 100 Texas stores due to metal contamination

by The Associated Press / Aug 27, 2019

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by Christa Wood / Aug 27, 2019

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by Matt Thibodeaux / Aug 26, 2019

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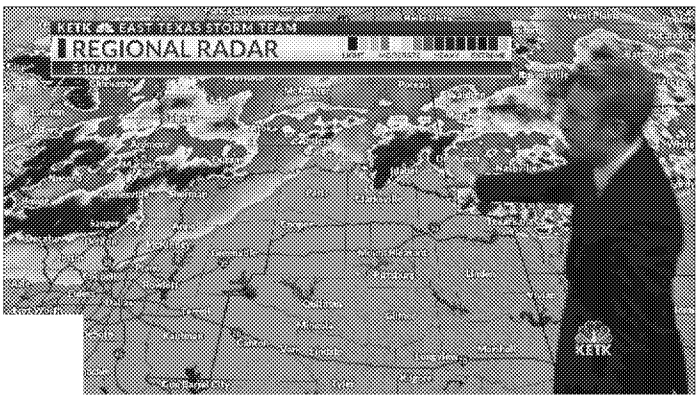

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74°	74°	74°
90%	60%	20%
Showers and Thunderstorms	Showers and Thunderstorms	Partly Cloudy

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COMMUNITY CALENDAR

East Texas Events

SEP 14 **Noises Off**
Greenville Municip... | Greenville, TX

TUE 27 **WIC - Supplementary food and nutri...**
WIC Office - Carth... | Carthage, TX

TUE 27 **"Books, Books & More Books: Work...**
Tyler Museum of Ar... | Tyler, TX

TUE 27 **Club Read**
Tyler Public Libra... | Tyler, TX

TUE 27 **CityServe Sex Exploitation Forum**
Green Acres Baptis... | Tyler, TX

TUE	WED	THU	FRI	SAT	SUN
27	28	29	30	31	1

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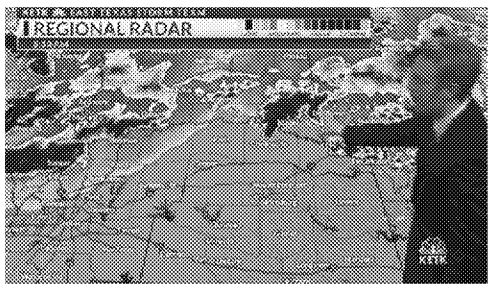
RAINY MORNING: East Texas is looking to get some much-needed rain this morning!
https://bit.ly/2ZI6Wz6…



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PERSPECTIVES ON TEXAS

A publication of The Texas Tribune

ENERGY

The public should have a say before anyone cuts a pipeline through the Texas Hill Country

By Erin Zwiener, Aug. 26, 2019

A few weeks ago, construction on the Mopac Expressway near Slaughter Lane in Austin came to an abrupt halt when the workers encountered a larger than normal karst feature. Karst features are essentially holes in the limestone underneath our feet that channel water from the surface into our underground aquifers. They stopped because construction around karst features has to be done carefully to ensure both that surface water can reach the aquifer and that the water isn't contaminated on its way there.

Any construction project that disturbs five acres or more of land in the Edwards Aquifer region requires coordination and permitting from the Texas Commission on Environmental Quality (TCEQ) to protect our groundwater and karst features — except oil and gas projects, including pipelines. This is because of one section in the Texas Water Code that places jurisdiction over oil and gas activity under the Texas Railroad Commission instead of TCEQ.

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the Hill Country and the Edwards Aquifer, and those of us in the pathway are personally experiencing the state's lack of oversight.

Kinder Morgan is making all kinds of statements about safety and environmental protection and treating landowners decently. But here's what they won't tell you:

- There will be no state oversight to protect karst features during the construction of the Permian Highway Pipeline. We will have to rely on Kinder Morgan's word that they're doing the right thing.
- While the company says its current plans are to only transport natural gas (which poses less water contamination risk than crude oil) in the Permian Highway Pipeline, nothing in the law prevents them from retrofitting the pipeline to transport crude oil or another liquid if they deem it profitable. This exacerbates concerns about groundwater, especially in light of recent leaks in the nearby Longhorn Pipeline.
- Kinder Morgan is taking a permanent 50-foot-wide easement with an additional 75 feet for a temporary construction easement. This means an up to 125-foot-wide swath will be cleared of trees for the length of the pipeline, and 50 feet of that will be kept permanently clear of large vegetation. That will constitute an unprecedented scar across the Hill Country. When earlier pipelines were built in this area last century, the easements were often narrower, because pipeline companies hadn't started aerial monitoring yet and construction equipment was smaller.
- This removal of trees will have a material impact on endangered species, particularly the golden-cheeked warbler, which only breeds in a small corner of the Texas Hill Country. Instead of going through the standard U.S. Fish and Wildlife Service process and getting an individual permit for damaging critical habitat, Kinder Morgan is trying to take a shortcut by rolling its project into an existing nationwide permit that doesn't address the specific ecological concerns of the Hill Country.
- There is no public process in Texas for determining where one of these large common carrier pipelines should go. The state gives these pipeline builders authority to take people's land with no process to determine if the individual pipeline or the planned route makes sense. This is less transparency and accountability than what the state itself is required to do when building a road.
- The Permian Highway Pipeline is crossing Hays County, one of the fastest-growing areas in the nation. While they may talk about minimizing the number of impacted landowners, Kinder Morgan chose to route their pipeline through one of the nation's key growth corridors. Hays County and the city of Kyle are still trying to wrap their arms around the economic impact of losing high-value development land to a pipeline, but the impact is substantial.
- There are no minimum standards for surface mediation after pipeline construction, and no oversight to ensure it was done correctly. If landowners want to protect the wildlife or agricultural value of their land with native seed or double trenching, they have to negotiate that into their easements with Kinder Morgan. If the company doesn't live up to its end of the bargain, the landowners' only option is to sue. (Note: Kinder Morgan's own representatives told me that TCEQ, U.S. Fish and Wildlife Service, and U.S. Bureau of Reclamation oversee surface remediation on private land. None of that is true.)

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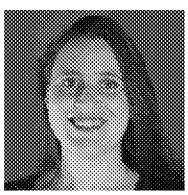
- A group of landowners in Blanco County were just awarded a total of 88 times what Kinder Morgan had offered them for their land. 88 times. Kinder Morgan is low-balling Texas landowners and trying to coerce them to the bargaining table.

If the Permian Highway Pipeline had gone through a thorough public routing process that included input from local elected officials, environmental assessments, economic assessments and public comment, and the route selected still came through the Hill Country, I wouldn't be happy, but I would accept it. If Texas had basic protections in place for our landowners, our water and our wildlife, I wouldn't be happy with this result, but I would accept it.

But this decision wasn't made in a transparent way; it was made in a corporate boardroom with no affected people or local leaders present. These pipeline companies operate in a regulatory black hole, where they are responsible for overseeing their own environmental compliance and fair treatment of landowners. That's just not good governance, and it's unfair to the people of Texas.

The proposed Permian Highway Pipeline bisects my district, crossing through or near the cities of Blanco, Wimberley, Woodcreek, Kyle and San Marcos. All of these cities have passed resolutions asking the Legislature for more protections and oversight when privately owned pipelines use the power of eminent domain.

Trust must be earned, and by shortchanging our landowners, cutting our local officials out of the planning process and giving only lip service to environmental considerations, Kinder Morgan has demonstrated that people of the Texas cannot trust it. The folks of the Hill Country aren't just advocating for their own land, they're advocating for all of Texas. We all need protection from bad actors exploiting regulatory holes. It's time for the Texas Legislature to step up and implement a public routing process for large transmission pipelines, and common-sense protections for our landowners, our communities and our environment.



Erin Zwiener

State Representative, District 45

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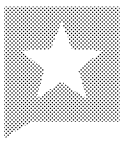
Katie Womack, Senior research scientist, Texas A&M Transportation Institute



https://www.nola.com/news/environment/article_e41bcd92-c82d-11e9-b7b7-8fda08219315.html

Scalise presses federal funding of Houma-area Morganza to the Gulf levee after aerial tour

BY MARK SCHLEIFSTEIN | STAFF WRITER AUG 26, 2019 - 1:18 PM

U.S. Rep. Steve Scalise, R-Jefferson, discusses the funding status of the Morganza to the Gulf levee that protects the Houma area at a news conference at New Orleans Lakefront Airport on Monday, August 26. Standing behind Scalise, from left, North Lafourche Levee District executive director Dwayne Bourgeois; Army Corps of Engineers Col. Stephen Murphy; Southeast Louisiana Flood Protection Authority-East president Herbert Miller; and Terrebonne Levee and Conservation District executive director Reggie Dupre.

BY MARK SCHLEIFSTEIN | STAFF WRITER

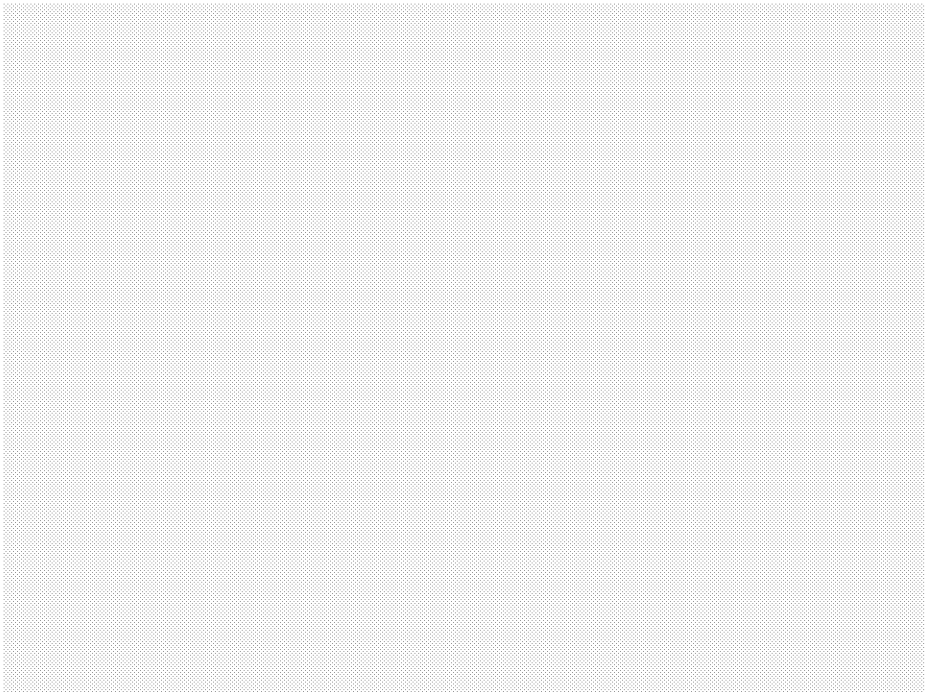
Mark
Schleifstein

U.S. Rep. Steve Scalise, R-Jefferson, used an aerial tour of the half-complete 98-mile Morganza to the Gulf hurricane levee system that surrounds the Houma area on Monday morning to press for $2.1 billion in federal money to complete the project.

U.S. Rep. Steve Scalise exits a U.S. Coast Guard helicopter on Monday, August 26, after touring the Morganza to the Gulf levee system south of Houma.

BY MARK SCHLEIFSTEIN | STAFF WRITER

Scalise was accompanied on an orange-and-white U.S. Coast Guard MH-60 Jayhawk helicopter by Col. Stephen Murphy, the new commander of the Army Corps of Engineers' New Orleans District office; Rear Admiral John Nadeau, commander of the New Orleans-based Eighth Coast Guard District: and by North Lafourche Levee District executive director Dwayne Bourgeois, who acted as narrator for the tour.



U.S. Rep. Steve Scalise discusses his flight to see the Morganza to the Gulf levee system at New Orleans Lakefront Airport on Monday, August 26. To his left is Dwayne Bourgeois, executive director of the North Lafourche Levee District. To the right, in back, is Rear Adm. John Nadeau, commander of the Eighth Coast Guard District, based in New Orleans.

BY MARK SCHLEIFSTEIN | STAFF WRITER

Bourgeois pointed out the 48 miles of "first-lift" levees that have been completed so far with $450 million in local and state revenue. The levees average about 12 feet in height above sea level, enough to provide protection from surges caused by a storm with a 2 percent chance of occurring any year, a so-called 50-year storm.

If Congress appropriates the $2.1 billion federal share, the state and local officials will still have to pay about $650 million to meet the expected $1.1 billion local match needed to add levees in about half of the project's footprint and to lift the heights of completed portions of the system to between 18 and 20 feet.

That's how high they would need to be to block surges with a 1 percent chance of occurring in any year, the so-called 100-year storm.

The plan is to complete the levee system before 2035. Local levee districts and the state would have to pay for additional lifts between 2035 and 2085, the 50-year expected life of the

levee system, to deal with natural subsidence and sea level rise fueled by human-influenced global warming.

Scalise, the Republican whip in the House, pointed out that the Corps decided in June to reduce its estimated cost of building the levee system to $3.2 billion, from a $10.2 billion estimate that was developed by the Corps after Hurricane Katrina.

The cost reductions reflect an assumption that local and state sponsors will pay for future lifts required because of subsidence and sea level rise, and an agreement between the corps and local sponsors to reduce some levee safety requirements. But much of the savings resulted from the recognition of the savings made by the Terrebonne and North and South Lafourche levee districts in building the system's first lift more cheaply than the corps' estimates.

The Corps has not provided money for construction of the levee system since it was first authorized -- at a cost of less than $1 billion -- in 2003.

Two Years After Hurricane Harvey, Port Arthur Remains in Disaster Recovery Limbo

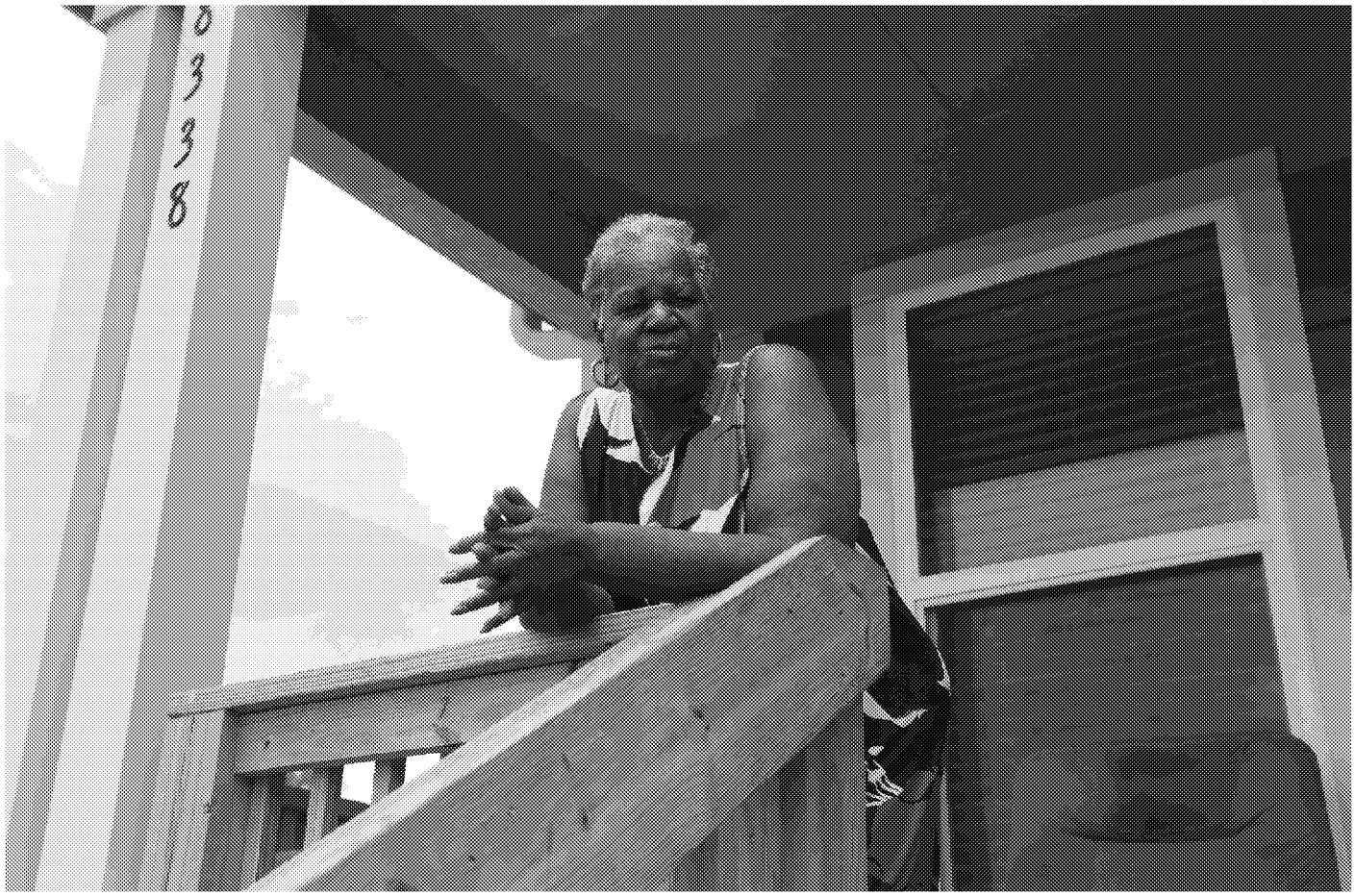
The storm-ravaged coastal city is trying to move some people out of harm's way while begging others to return.

"I could keep living here, in a beautiful new home in an abandoned neighborhood," Beatrice Sanders said. *MICHAEL BARAJAS*

Michael Barajas (https://www.texasobserver.org/author/michael-barajas/)
Aug 27, 2019, 6:00 am CST

Two years after Hurricane Harvey hit, Beatrice Sanders sat on the raised deck of her new home in Port Arthur, telling me that God had answered her prayers. Last fall, government contractors finally tore down the three-bedroom house Sanders bought with her late husband more than 40 years ago in the city's Montrose neighborhood, replacing it with a new home—this one perched on stilts six feet above the ground.

I saw Sanders' old house when I visited the city last year. Multiple storms had pummeled Port Arthur before Harvey—Rita in 2005; Ike in 2008—but Sanders and her family always fixed whatever they could on the house and moved on. Government assistance hadn't yet come to help repair all the damage left by previous storms by the time Harvey hit in August 2017, turning Sanders' neighborhood into a lake. Floodwaters touched the ceiling and took a week to recede, transforming the house into a rotting, uninhabitable shell Sanders couldn't afford to rebuild.



Beatrice Sanders now lives in a home elevated six feet off the ground in Port Arthur's Montrose neighborhood. *MICHAEL BARAJAS*

More than a year after the storm—and months after the *Texas Observer* wrote (https://www.texasobserver.org/hurricane-harvey-one-year-later-port-arthur/) about Sanders' ordeal—a disaster recovery program finally funded the construction of her new house.

But officials built Sanders' home in a neighborhood that could soon disappear. Rather than fix the overloaded drainage and deteriorating streets that surround her, city officials last month identified Montrose as a site for a government buyout program aimed at moving people out of areas repeatedly damaged by storms. As we sat on Sanders' new deck, she told me she struggled

with the idea of leaving the community she's lived in since she was a child. "I could keep living here," she mused, "in a beautiful new home in an abandoned neighborhood."

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Sanders isn't the only Port Arthur resident still stuck in disaster recovery limbo. Recovery has been slow in part due to the scope of the storm; officials estimate Harvey affected nearly everyone in Port Arthur, damaging or destroying an estimated 80 percent of housing in the city. But Harvey also exacerbated existing problems in Port Arthur (https://www.texasobserver.org/hurricane-harvey-one-year-later-port-arthur/), like high poverty and neglected infrastructure, while worsening damage that hadn't been fixed after previous hurricanes.

Disaster recovery programs often take years to allocate funds. Consequently, homeowners who can afford to make repairs and wait for reimbursement see their lives rebound more quickly. But even after Congress approves a big disaster relief package, the state distributes the funds in a way that critics say undercounts (https://www.texasobserver.org/how-disaster-recovery-overlooks-the-poor/) the poorest people harmed by the storm, shortchanging low-income communities (https://www.texasobserver.org/how-disaster-recovery-overlooks-the-poor/) by tens of millions of dollars in assistance.

One truism of disaster recovery is that there's never enough money—and that is particularly the case for low-income, storm-ravaged communities like Port Arthur.

After Harvey, the state's first housing-recovery plan prioritized property buyouts in Harris County—which encompasses Houston, the fourth-largest city in America—and rebuilding in the tourist-heavy Coastal Bend. Port Arthur didn't get a cent (https://www.texasobserver.org/port-of-no-return/). Once the billions Congress allocated for disaster recovery programs started trickling down to the regional level, Southeast Texas officials allocated the funding in a way that disproportionately benefited towns with whiter, more affluent residents (https://www.citylab.com/equity/2018/10/whos-losing-out-on-hurricane-harvey-aid-in-texas/571327/). One truism of disaster recovery is that there's never enough money—and that is particularly the case for low-income, storm-ravaged communities like Port Arthur.

The city is also dealing with a more existential question. Officials have been begging (https://www.houstonchronicle.com/news/houston-texas/texas/article/A-plea-from-Port-Arthur-Y-all-come-on-13539736.php) former residents displaced by Harvey to return, because if the city's population dips below 50,000, it could become ineligible for certain federal grants. It's been a tough sell for a city that faced high unemployment, industrial pollution, and a dwindling population even before the storm. According to the 2010 Census, Port Arthur's population fell by 4,000 over the previous decade to a total of 54,000 residents. Many fear Harvey has accelerated the decline.

Janice Rogers slept for months on an air mattress inside a Dallas church after escaping flooding in Port Arthur. *MICHAEL BARAJAS*

Janice Rogers, who grew up in Port Arthur, doesn't plan on moving back, even though she's struggled to hold down an apartment and job since evacuating to Dallas during Harvey. Rogers fled her flooded apartment building on Port Arthur's west side, part of a public housing complex located near the city's chemical-spewing refineries. Not long before Harvey hit, an industrial fire had smoldered in the area for months, blowing foul-smelling smoke that triggered a rash of health complaints in Rogers' neighborhood. Port Arthur's recovery plans do not include demolishing and relocating the disaster-prone, refinery-adjacent apartments.

When I asked Rogers if she missed anything about her life in Port Arthur, she talked about family, friends, her old church, and going out on the occasional Saturday for someone's birthday. She recently visited her former city and thought it looked bleak. Other people she knows back home are planning to leave. "People are tired of running from hurricanes," she said.

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Sanders' new government-funded house, built in an area the government now wants to turn into green space, speaks to the confusion endemic to a disaster recovery process that seems to change with every storm (https://www.politico.com/story/2018/05/29/houston-hurricane-harvey-fema-597912). In a presentation (http://portarthurtx.swagit.com/play/07162019-1212) to Port Arthur's city council last month, a city staffer said that years of storms had caused "severe repetitive loss" in Sanders' community. Yet funding for the buyout program, one of the state's primary long-term recovery strategies designed to move people out of harm's way, was so tight that city staff initially only considered including a small corner of the neighborhood, which would have excluded Sanders and most of the people who live around her. Sanders and several of her neighbors wondered why Montrose had been excluded from separate plans to upgrade the city's streets and drainage system—they had no clue their community was being considered for a buyout.

City officials say they plan to soon host a meeting in Sanders' neighborhood to answer questions about the program. While they're still determining how the buyouts would work, current funding for Port Arthur's program, $4.1 million

of the $52.7 million in federal grant funding that Southeast Texas received for buyouts, certainly couldn't cover the costs associated with moving everyone in the affected area out of harm's way.

"People are tired of running from hurricanes."

The city says it's looking for other funding and incentives, like assistance for down payments or relocation costs, to ease the burden for targeted homeowners, but many in Montrose are retired, on a fixed income, and cringe at the thought of taking on a new mortgage. The overwhelming fear I heard in the neighborhood is that they'll be pushed out with little compensation. Two years after Harvey, the circumstances vary for people who live there: Some have fixed their homes and moved back or, like Sanders, have had entire houses rebuilt in the neighborhood, while others have struggled to fund repairs and moved in with family because their homes are still unlivable.

A buyout might be the only option for people like Henry Wilson, 70, who grew up in Montrose, left for many years, and then, when he returned in early 2017, had the misfortune of buying a small house in the neighborhood months before Harvey flooded it. Wilson says that after the storm, he spent most of the past two years living in a small trailer on his property, next to a vacant house that he can't repair. He gets nostalgic talking about how the neighborhood, which is now sparsely populated, used to have stores and clubs and even a gym. "I'm stuck," he said while showing me around his property. "I don't want to leave, but what if that's the only option they're giving me? Where am I supposed to go?"

Henry Wilson's house in Port Arthur's Montrose neighborhood is still uninhabitable. *MICHAEL BARAJAS*

City inspectors told him he had to elevate his home to make it habitable. After trying and failing to get government assistance and the city permits he needs to repair the house, he asked a friend who lives nearby to help him jack up the house by three feet. Wilson then helped the friend repair his flood-damaged home.

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Michael Barajas is a staff writer covering civil rights for the *Observer*. You can reach him on Twitter (https://twitter.com/michaelsbarajas) or at barajas@texasobserver.org (mailto:barajas@texasobserver.org).

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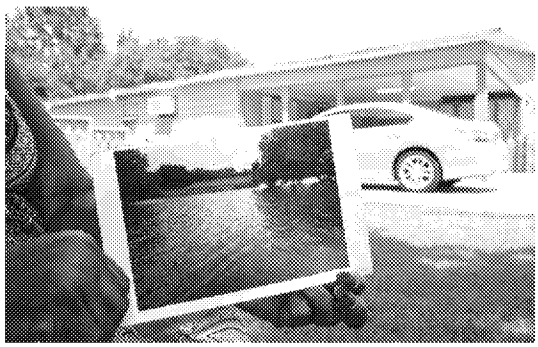

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Flooding in Port Arthur during Hurricane Harvey. *WIKIMEDIA/SC NATIONAL GUARD (HTTPS://COMMONS.WIKIMEDIA.ORG/WIKI/FILE:SUPPORT_DURING_HURRICANE_HARVEY_(TX)_(50).JPG)*

Amal Ahmed (https://www.texasobserver.org/author/amal-ahmed/)
Aug 26, 2019, 8:20 am CST

Talk to any scientist long enough, and eventually they'll bring up an old aphorism: all models are wrong, but some are useful. Even with better data, and more sophisticated tools to collect it, there's no truly perfect way to capture the dynamic world that we live in.

Two years ago, Texans learned that truth the hard way when Hurricane Harvey hit the Texas coast. The storm was classified as a 500-year storm. But neighborhoods that FEMA's flood maps never predicted to flood—even in a storm of that size—experienced historic, devastating flooding.

Texas National Guard soldiers arrive in Houston to aid residents in heavily flooded areas during Hurricane Harvey. *TEXAS ARMY NATIONAL GUARD/1ST LT. ZACHARY WEST*

FEMA's maps calculate the expected risks of a given area to keep people from building in dangerous zones, and to inform residents and business owners if an existing property is in a flood zone. But an analysis by *Bloomberg* (https://www.bloomberg.com/graphics/2017-fema-faulty-flood-maps/) found that many of these maps rely on 40-year-old models based on outdated weather and storm data, and fail to account for changes in land use, like new developments and roads. (Climate change has also altered (https://www.climate.gov/news-features/climate-qa/could-climate-change-make-atlantic-hurricanes-worse) the strength and speed of hurricanes.) Just weeks after Harvey, the Department of Homeland Security issued a report

(https://www.documentcloud.org/documents/4066233-OIG-17-110-Sep17.html) finding that less than half of FEMA's maps accurately portrayed current-day flood risks.

In an effort to rectify the problem, FEMA and the Texas General Land Office are partnering on a $3 million, two-year effort (http://www.tamug.edu/CTBS/programs/measuring-mapping-managing-flood-risk.html) to create a new type of floodplain map. Sam Brody, the project's principal investigator and the director of Texas A&M Galveston's Center for Texas Beaches and Shores, spoke with the *Observer* about how to build better and more useful models by incorporating more than just traditional scientific data.

***Texas Observer*: What are some of the issues with FEMA maps that you've encountered, and how will this project go about fixing them?**

Sam Brody: I've spent a lot of my career criticizing the FEMA floodplain maps, not just [during] Harvey. Historically, in Houston, over half of the flood-insurance-based impacts were outside of the boundaries [of the mapped floodplain]. In places like Clear Lake, we found that even if you're a quarter of a mile outside of that boundary, you'll still have a high probability of flooding. That's problematic because it's not capturing enough of the risk and impact, particularly in developed, urban areas, where boundaries are harder to delineate and move a lot. You put it in a Walmart parking lot, it will literally change the floodplain map that's only updated every 10 years.

I had maybe my hundredth presentation in Washington, D.C., about these FEMA maps. I'm very critical, but scientifically so, like, 'Here's the problem.' And they said, 'You're great at criticizing us, how about some solutions?' So

now, we have a two-year, $3-million study, to better measure, map, and communicate flood risk and impacts in these urban areas.

What does that process look like?

We're integrating data. We're using traditional [hydrological] models, but also crowdsourcing data, and [insurance] claims data, to delineate areas of predicted impact.

Then we go into a community, and, rather than announce and defend, we go in and say, 'OK, this is my best effort, tell me what's wrong with it, make it better.' And that reaction tends to be so much more positive than 'We're just announcing that this is what we're modeling, and if you want to see it, fine.' The people who really know what's going on are the residents in the area, and the communities that are dealing with these hardships, time and time again.

It takes time to do this interactive process—it's harder, you [need more] money. And the whole state can't do this. That's why we're doing selected communities, and the first one is Greenspoint in Houston (https://www.houstonchronicle.com/local/gray-matters/article/Greenspoint-poverty-and-flooding-7303300.php). We're not replacing the regulatory floodplain. This is just to augment and complement what's already in place.

How do you make sure that when you're going to a community meeting, you can communicate these complex and confusing models to a lay person effectively?

It's a big challenge. That's why there's usually one modeling expert there. The other people are communications experts, resiliency experts, people who have experience talking about these models to everyday people. To me, some of the major solutions to addressing disaster impacts isn't just a better model or a big engineering project. It's communicating risks to people—if we really want to make a difference, it's not just building a better risk map, it's how do you communicate that [risk] effectively?

Do you think most academics and policy makers are on the same page about that?

I think the tradition of science is to be a dispassionate observer, the all-knowing expert. But I think that what's changed with the times is that more and more scholars and practitioners are realizing that we need to engage local stakeholders throughout the process. No one knows the extent of the regularity, the impact of flooding more than someone who's living in these vulnerable areas, and incorporating their knowledge and experience in an iterative way is essential.

You've also been involved with a new initiative called The Institute for a Disaster Resilient Texas, which would bring together state agencies, university research programs, and others to collaborate on research about disaster relief, planning, and mitigation. It was created through a bill in the last legislative session, but it remains unfunded for now. Tell me about the goals of the Institute.

My group did all the data analytics for Rebuild Texas' Eye of the Storm Report (https://www.rebuildtexas.today/wp-content/uploads/sites/52/2018/12/12-11-18-EYE-OF-THE-STORM-digital.pdf) [after Harvey], and it was this big

coordination effort [between universities and government agencies]. We were at a meeting presenting our results, and a state official said, 'Why aren't we doing this all the time?' That inspired me to create a proposal for an organization that is grounded in analytics, creating tools to help decision-makers and community members be better prepared for flooding and other disasters.

For me, it was a wake up call. My research is on [building better models], but I don't have the capacity to then bring that to communities, decision-makers, companies, and individual residents. So the Institute would help better make those connections, throughout the university systems—not just A&M but UT, Rice, and others. My hope is, it's not just another institute that's unfunded and remains an idea on paper.

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Amal Ahmed is the summer 2019 editorial fellow at the *Texas Observer*, reporting on climate and the environment. Originally from Dallas, she has a journalism degree from Northwestern University and previously spent a year at the *Atlantic* as an editorial fellow on the family and education desk.

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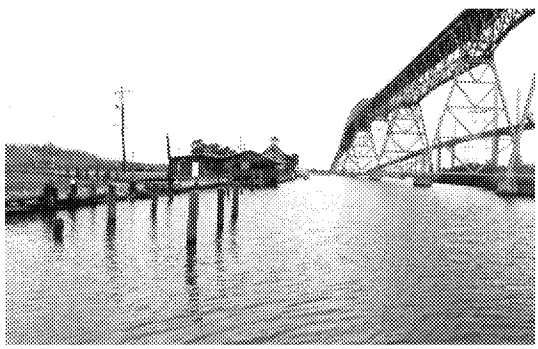

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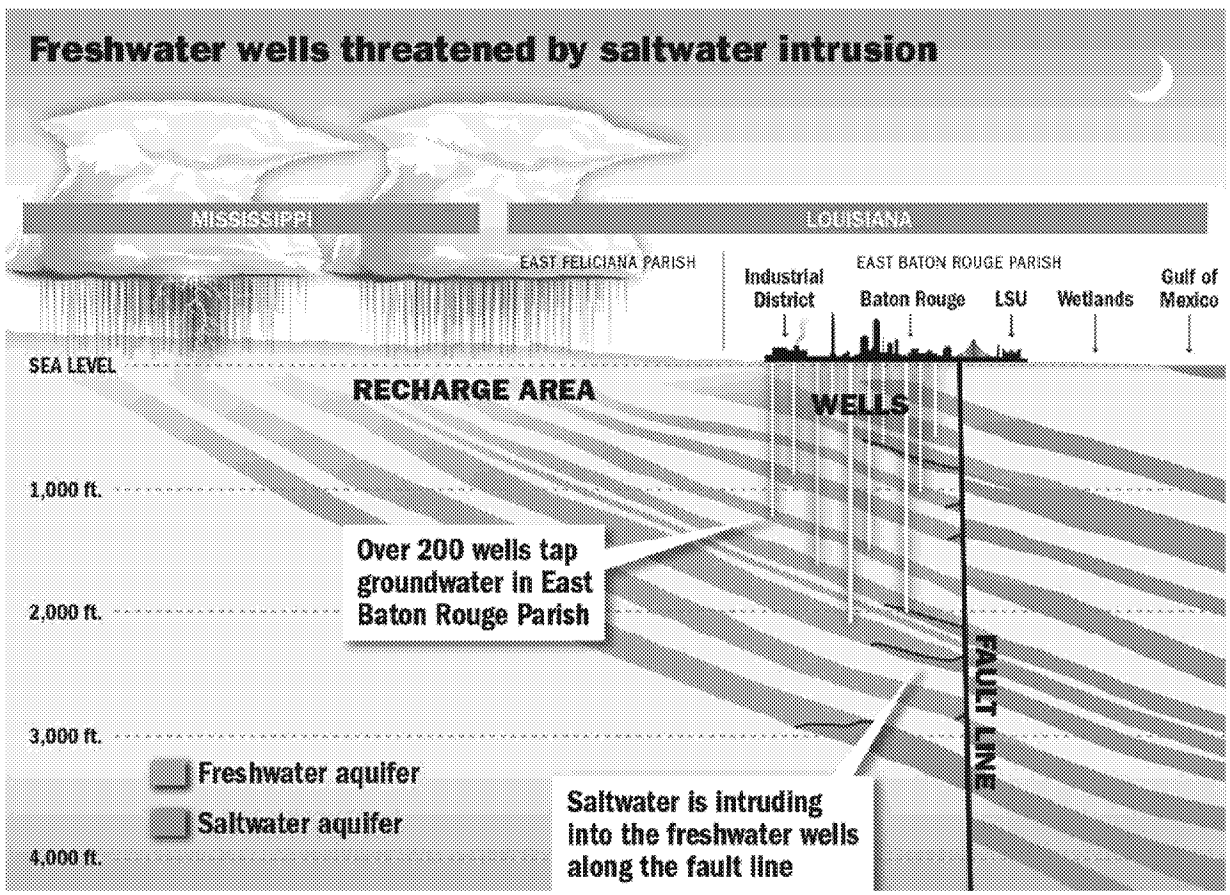
Baton Rouge groundwater commissioners grapple with size of aquifer problems, path for future

BY DAVID J. MITCHELL | STAFF WRITER UPDATED AUG 26, 2019 AT 8:52 AM



David Mitchell

Members of a commission struggling to create a 50-year strategic plan for managing the region's aquifer tossed around a lot of ideas at a recent meeting for preserving the vital resource but endorsed no specific measures.

The Capital Area Ground Water Conservation Commission, which manages the multiparish Southern Hills aquifer, has been under pressure from critics to move more aggressively to protect the region's drinking water supply from salt water intrusion coming from the south.

Sitting in a panoramic, glass-walled, third-floor meeting room of the Water Institute that overlooks the rolling Mississippi River in Baton Rouge, commissioners threw out ideas about new water supplies and reducing demand on the huge, groundwater resource that lies underneath Louisiana's capital city. These included:

possibly with treated sewage effluent and regional rainfall storage reservoirs.

- Shifting water production wells, including those for Baton Rouge Water Co., away from zones already being affected by salt water intrusion.

- Harder caps on new and even existing wells to limit groundwater withdrawals.

- Informational campaigns and possibly rate structures to encourage homeowners and businesses to use less water.

None of those ideas nor others bandied about received a particular endorsement this past week.

Some could require passing new legislation or partnerships with businesses, financiers and other agencies, like the utility rate-setting Louisiana Public Service Commission.

Others are likely costly, but all were part of a brainstorming session as a facilitator from the United States Geological Survey encouraged commissioners to come up with ideas to address the group's big-picture objectives for their plan.

The Water Institute is helping the commission develop the new plan, and the commissioners grappled during the last of two meetings Thursday and Friday with not only what they needed to do but the size of the task facing them.

About 90% of all daily water use in East Baton Rouge Parish came from ground water in 2015, or about 153.1 million gallons per day, according to the USGS' newly published report on Louisiana.

That represents a 2.1% increase in groundwater use over 2010. Though overall water use dropped less than 1% since 2010, reliance on groundwater has increased by 2.5 percentage points as surface water use declined, the USGS found.

Industry, excluding power plants, and homes and businesses drew roughly equal amounts from the aquifer in Baton Rouge in 2015: 72.59 million gallons per day for industry versus 72.21 million gallons per day for homes and businesses, the USGS found.

Commissioner Ken Dawson, who is the chief administrative officer for Ascension Parish government and represents the parish on the commission, said the commission needs a better idea of the kind of water demand to expect for the future as communities and industries grow.

Commissioner Barry Hugghins said the commission needs to not only determine what the aquifer's limit is but also to inform the public, businesses and industries about what's at stake if that limit is reached.

"The question is, what do we do when we reach that limit? Because if we keep growing, we're going to reach that limit," Hugghins said.

He said the public, industry, the Baton Rouge Water Co. and other governmental entities producing water in outlying areas need to

know when that limit is likely to be reached and "what are we going to do when we get there."

Hugghins said it would not be fair to entice billion-dollar projects to the region with one expectation for groundwater use and then a few years later move to greatly restrict that use.

"You can take all the economic development money that we spend and go dump it off that bridge because if we ever have to do that, we're done. We're done," Hugghins said.

Environmentalists have argued that industries, in particular ExxonMobil's huge refinery and chemical complex in northern Baton Rouge, should switch to river water to save the aquifer for humans. Industry backers say that facility, which is nearly 110 years old, and other plants have been geared to take advantage of the aquifer's purity and that kind of switch can't be done easily.

In the commission's fundamental objectives for the new strategic plan, the body has somewhat split the difference.

The objectives first recognize the need for "healthy, high-quality drinking water" to all residents on an equal basis but also states the need to provide clean, inexpensive water for business and industries "indefinitely."

Yet, the objectives also call for the commission to achieve sustainable and resilient groundwater withdrawals from the aquifer and reduce salt water intrusion.

Last month, the Water Institute provided the commissioners an estimate that the aquifer in the Baton Rouge area was already operating at deficit between pumping and natural recharge. However, some commissioners have questioned the validity of that estimate, especially in light of recent plant shutdowns that have cut groundwater use.

Bills to provide tax incentives to plants to switch to river water and for consumers to buy high-efficiency appliances failed to gain traction in the Legislature earlier this year.

But an ExxonMobil representative told the commission Friday the company is interested in pursuing public-private partnerships and other opportunities.

The commission meets again Sept. 12-13 and is expected to settle on a series of measures and then ask the Water Institute and other researchers to see how well they fulfill the plan's big-picture objectives.

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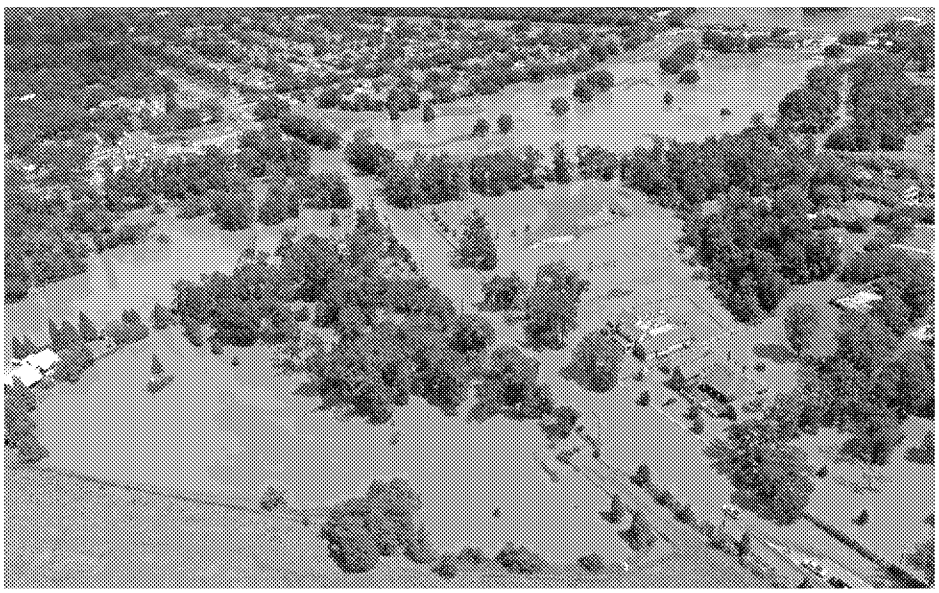
As downstream parishes watch, Corps reanalyzes expected impact of Baton Rouge drainage plan

BY DAVID J. MITCHELL | STAFF WRITER AUG 25, 2019 - 2:31 PM



Old Perkins Road is under due to Bayou Manchac. Santa Maria Subdivision is at top. Aerials of severe weather flooding in Ascension and East Baton Rouge Parish on Monday August 15, 2016.

Advocate staff photo by BILL FEIG

David Mitchell

Neighboring parishes downstream from Baton Rouge have cast

coming to the region after the August 2016 flood.

Birthed after the 1983 flood but stalled for decades, the clearing and dredging plan passed an important milestone when authorities with the city-parish, Central, state and federal government announced this month that they'd found a way to finance a critical $65.6 million match.

Gov. John Bel Edwards committed the biggest share of the upfront money needed, $40 million, as a deadline to tie dollars to the project drew near. The Metro Council is set for a vote Wednesday on its $12.5 million share.

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Major drainage project announced for East Baton Rouge; 'help is indeed on the way'

The project calls for clearing, dredging and widening 66 miles of creeks and bayous in East Baton Rouge Parish. The Corps had recommended the project as feasible in July 1995 after more than a decade of study, but without money then to make it a reality.

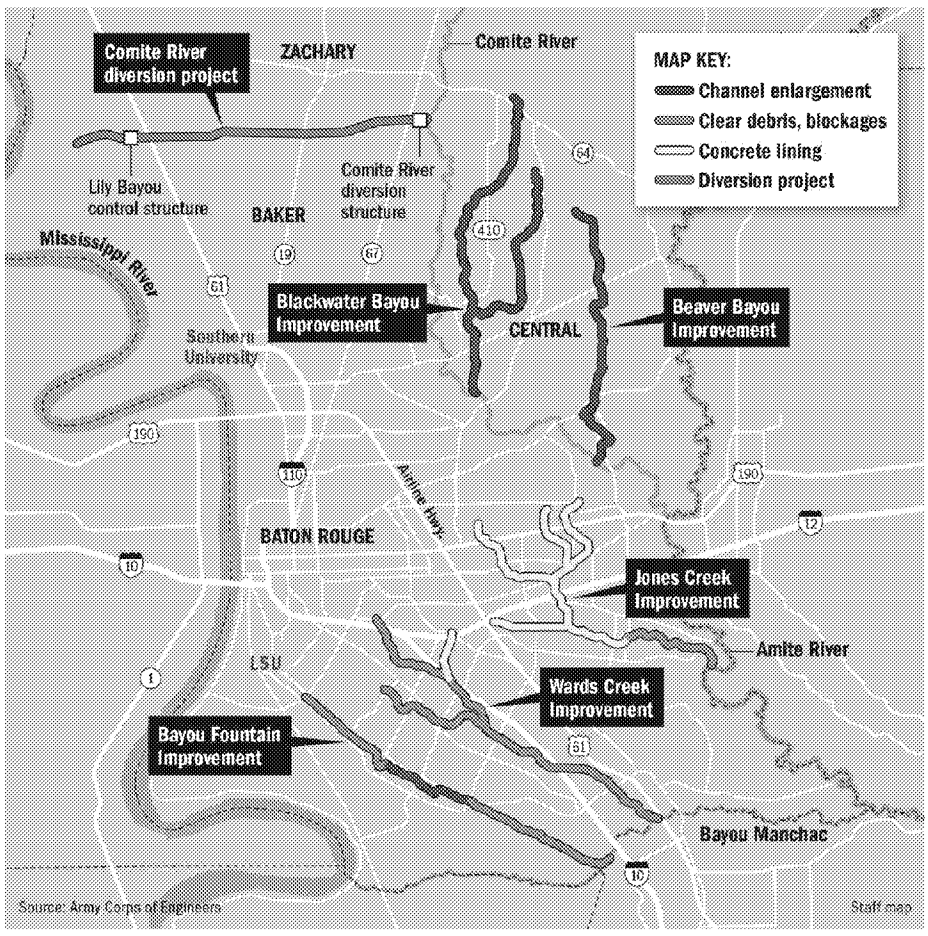
The work on Beaver and Blackwater bayous in the Central area and on Bayou Fountain and Jones and Ward creeks and their tributaries in the southern part of the parish is aimed at allowing water to move more quickly downstream into the Amite River and Bayou Manchac.

About 17 miles of those waterways would also be lined with concrete, a measure aimed at controlling erosion and speeding the flow of water.

Some officials in Ascension and Livingston parishes say they're worried about the possible impact but are withholding judgment as the Corps of Engineers reanalyzes the plan 25 years after finding its downstream effects would be minimal. Results are expected next month.

"We're kind of waiting to see and hear if there is going to be any impact," Livingston Parish President Layton Ricks said.

City-parish officials say they should be able to take advantage of an opportunity to reduce flood risk in East Baton Rouge as other parishes have but have promised to mitigate any impact downstream, possibly with regional retention areas to hold back some runoff and release it slowly.



A $255 million plan to drain East Baton Rouge Parish: With help from Congress, East Baton Rouge Parish is planning a major clean out of key waterways that drain the parish, but downstream parishes are concerned the water will flood their residents. In 1995, the U.S. Army Corps of Engineers found a minimal impact, but the Corps is reevaluating its analysis in light of the growth in the region. The 12-mile Comite River Diversion Canal is a separate Corps project already underway.

"I want to be sure that we're good neighbors, not a problem," said Fred Raiford, the city-parish director of transportation and drainage. "I don't want to be a problem for Iberville, I don't want to be a problem for Ascension and I don't want to be a problem for Livingston."

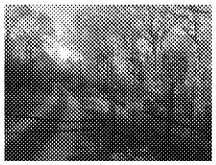
Teri Casso, chairwoman of the Ascension Parish Council, said officials in her parish want to work with East Baton Rouge, too. But, she said, they have concerns about whether the low-lying Bluff Swamp and the Spanish Lake basin, potentially huge, natural flood storage areas, will be recommended as retention options.

If they are, Casso said, a lot of conversations will have to take place about how such a plan would affect her constituents who live in the swamp and possible compensation for their property.

"It would be complicated. My constituents love where they live," she said.

The Corps' 1995 feasibility analysis found that some of the watersheds surrounding the bayous and creeks earmarked for work weren't suitable to major retention efforts, but Raiford said he doesn't know yet what areas might be recommended for regional retention.

Worries about the Corps' Amite River tributary projects in East Baton Rouge are only the latest example of inter-parish conflicts that have flashed after the August 2016 flood, as constituent pressures and billions in federal dollars have reanimated drainage ideas that had sat on the shelf for years.



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Ascension councilman: Time 'to go to court' over Laurel Ridge levee battle with Livingston

Last year, Livingston Parish sued Ascension Parish, the Pontchartrain Levee District and the state Department of Natural Resources over Ascension's long-standing plans to extend the Laurel Ridge Levee along the southeastern edge of Amite River Basin in the St. Amant and Lake areas.

The two parishes reached a truce earlier this year to allow engineering work to continue, but officials disagree whether a proposed mitigation project tied to the levee would do enough to protect lower Livingston from worsened flooding expected from the levee extension.

The Corps is also taking a second look at the Darlington Reservoir, a once-dead idea to build a large storage area along the Amite River in St. Helena and East Feliciana parishes to cut flooding in parishes on the lower river.

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With new Corps of Engineers flood study of Amite, Darlington Reservoir an interest, concern for some

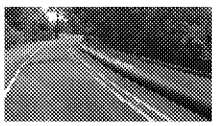
While the idea has support from downstream officials, it also has sparked renewed opposition from upstream landowners who may stand to lose property.

Disputes over drainage have led to other legal challenges, in addition to the one between Ascension and Livingston over the Laurel Ridge Levee.

With Hurricane Barry headed to the coast last month, East Baton Rouge sued Iberville Parish and others over that parish's use of inflatable AquaDams along Manchac Road to block overflow from Bayou Manchac.

City-parish officials contended the dams would worsen flooding in East Baton Rouge while Iberville officials have said the dams were necessary because of the risk of runoff out of

Baton Rouge. Iberville Parish President Mitch Ourso declined to comment Aug. 16, citing that lawsuit in federal court.



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Dietmar Rietschier, director of the Amite River Basin Commission, said the back and forth reminded him of an old Times-Picayune editorial cartoon about drainage fights in the New Orleans area: Three or four guys were standing in a circle throwing buckets of water on one another.

The thought of that old cartoon still makes him laugh, he said, but, to avoid those kind of disputes, local officials need to find a way to review the science and mitigate any impacts on their neighbors.

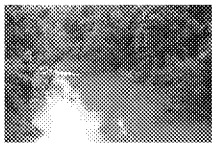
"Look, it goes down to just common sense and (being willing to) sit down at the table," he said.

The Louisiana Watershed Initiative, a post-flood management effort by the state, is expected to create regional councils that would oversee and make recommendations on projects for entire watersheds. However, these future councils, which are still in the development stage and are awaiting federal funding, wouldn't have direct authority over local governments.

Gov. John Bel Edwards announced Friday that the move to create regional authorities did take another step after the U.S. Department of Housing and Urban Development published long-awaited guidelines for spending $1.2 billion in flood mitigation money. The state now has to submit a plan for spending the money to HUD.

The commission that Rietschier's leads already encompasses the Amite River Basin, but that entity also has no authority over other parishes.

Prodded by members of Congress, the region's parish presidents emerged from a closed-door drainage summit in January 2017 with promises to work cooperatively and to support a handful regional projects, including the Comite River Diversion Canal and the dredging of Bayou Manchac. They have largely continued that rhetoric since then, despite the recent conflicts.



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"We are committed to work with East Baton Rouge on the tributaries project every step of the way," Ascension Parish President Kenny Matassa said Aug. 16.

That's in marked contrast to reactions to the last iteration of the Baton Rouge dredging plans two decades ago. In 1995, the plan was met with strong opposition from downstream residents in Ascension.

Then-Ascension Parish Public Works Director Frank Frederic told Corps officials in a public hearing that he opposed "the clearing of any body of water" in East Baton Rouge that resulted in an increased flow of water to his parish, according to a Corps summary of the meeting.

Amid public concerns then, the Corps did an analysis and found the work would speed up the flow of water downstream, generally increasing peak flow by 5% to 15%.

But the analysis also found that the water would head down stream before chronic backwater flooding took effect on the lower Amite during major events. The Corps concluded then there would be no significant impact.

Ascension Parish Councilman Daniel "Doc" Satterlee, who district includes a Prairieville area that borders Bayou Manchac and the East Baton Rouge line, said the current drainage problems of local residents are due to decisions made by East Baton Rouge, Livingston and Ascension parishes. All have been too willing to allow development to happen without the appropriate infrastructure to support it, he said.

"I think it's rather sad now, frankly, that we have neighbors against neighbors, and the reason for that, in my opinion, is the other parishes surrounding us have done the same thing we did," Satterlee said.

Comparing the 1995 Corps feasibility study with current city-parish data, the number of structures in the watersheds planned for the Corps projects have increased by 1.5 times to 6.5 times since the prior analysis in the mid-'90s.

For instance, the number of structures in the Ward Creek watershed, which empties into Manchac, has increased from 2,471 in the mid-1990s to 18,592 in 2019, city-parish data show. The Jones Creek and Bayou Fountain watersheds have seen similarly large increases, while Blackwater and Beaver bayous have also had increases but less extensive ones.

Increased urbanization generally means the land retains less water than when it was in a more natural state. In an attempt to address that problem, the city-parish has required new developments to mitigate their downstream impacts.

Ascension, and Livingston to a lesser extent, have done the same, though the practice has drawn controversy in Ascension from homeowners. It is being reevaluated with a major ordinance rewrite in a bid to lessen the impact new development has on drainage.

Rene Poche, Corps spokesman, said "changing site conditions" have led the agency to run basin-wide models to confirm its conclusions from the mid-1990s.

Raiford, the East Baton Rouge Parish road and drainage director, said other parishes have been brought in on meetings about the waterway clearing. The analysis by the Corps is expected to provide answers about whether, and how, mitigation should happen, Raiford said.

Cooperation will be necessary for the region's parishes to improve their drainage problems, he noted.

"There's no parish, none of us, are going to be able to solve our problems just by ourselves, not happening, especially ... (with) the intense rainfalls we're getting now, not possible," Raiford observed.

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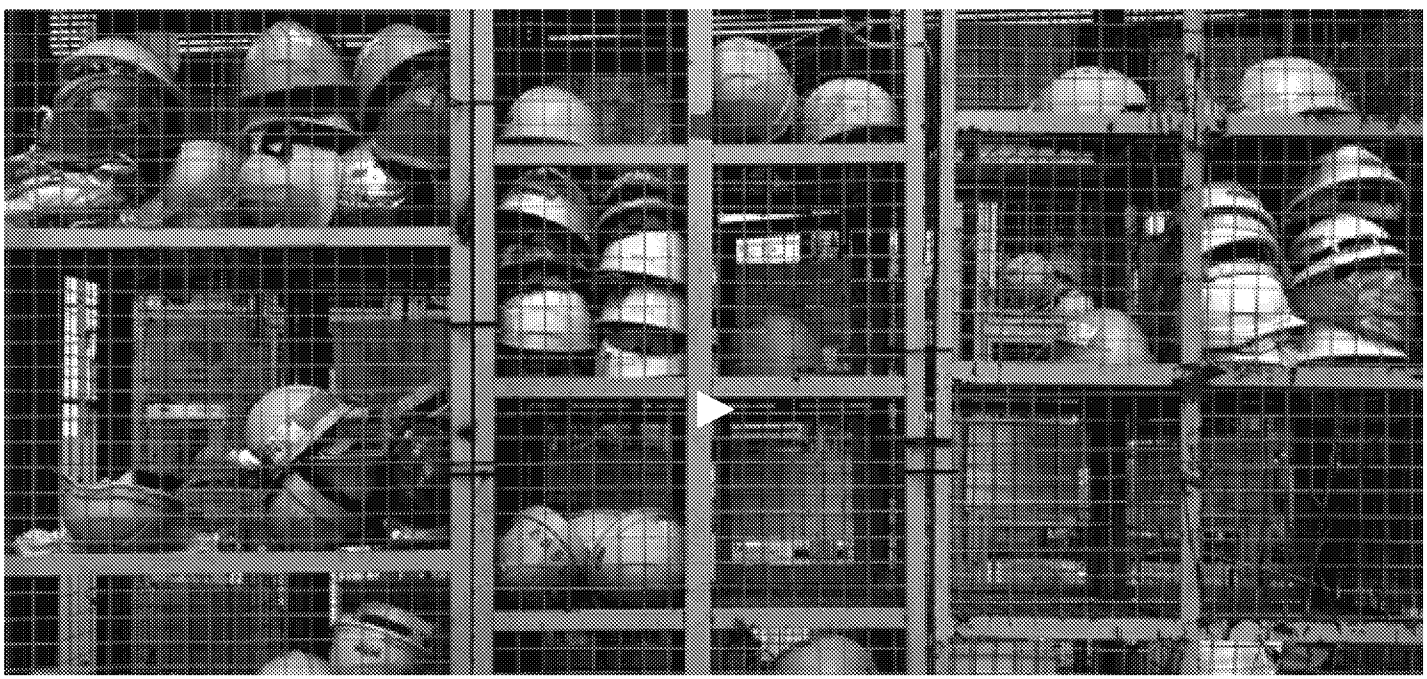

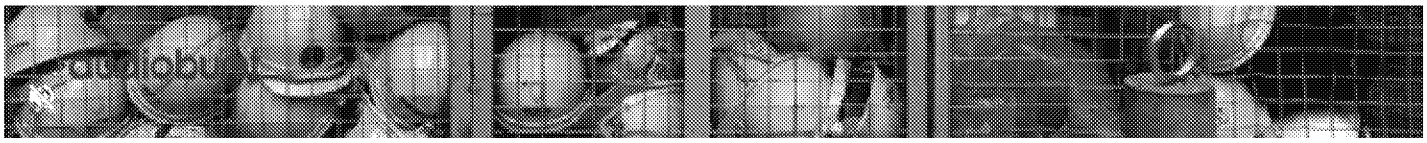

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The New York Times

Tainted Water, Ignored Warnings and a Boss With a Criminal Past

How a long line of questionable decisions led to the crisis over lead contamination in Newark.

By Nick Corasaniti, Corey Kilgannon and John Schwartz

Published Aug. 24, 2019 Updated Aug. 25, 2019

NEWARK — In the year after receiving test results showing alarming levels of lead in this city's drinking water, Mayor Ras Baraka of Newark made a number of unexpected decisions.

He mailed a brochure to all city residents assuring them that "the quality of water meets all federal and state standards."

He declared the water safe and then condemned, in capital letters on the city's website, "outrageously false statements" to the contrary.

And he elevated an official to run the city's water department who had served four years in prison for conspiring to sell five kilograms of cocaine.

The moves were the latest in a long line of questionable actions that have created one of the biggest environmental crises to hit a major American city in recent years. This month, the city told tens of thousands of Newark residents to drink bottled water, but only after receiving a stern warning from federal officials about lead leaching into tap water from aging pipes.

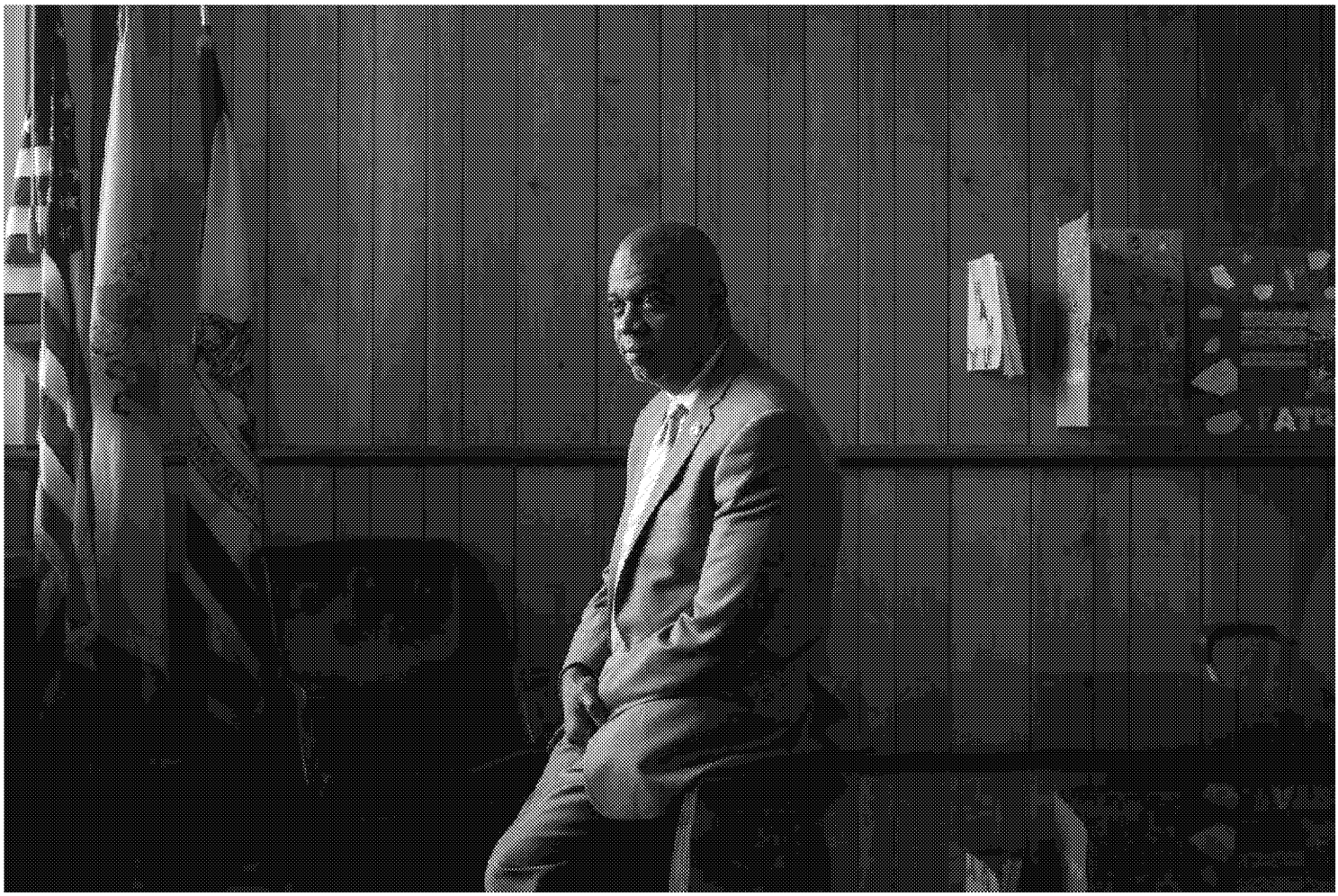
The water emergency has torn at the fabric of Newark, recalling the public health crisis over lead contamination in Flint., Mich., and highlighting the decay of the nation's infrastructure, particularly in poorer cities.

It has sowed anger, anxiety and confusion among residents, who question whether the city's negligence has endangered its youngest citizens. More than 13 percent of the children in New Jersey afflicted with elevated lead levels in 2017 were in Newark, which accounted for only 3.8 percent of the state's children.

The crisis could also cast a shadow over the presidential campaign of Senator Cory Booker, who served as Newark's mayor from 2006 to 2013.

In 2013, an agency that Mr. Booker had revamped was gutted over a scandal involving kickbacks, no-show contracts and millions of dollars in wasted public funds. Eight officials were later charged in federal indictments, six of whom pleaded guilty.

Some advocacy groups claim that the scandal distracted Newark officials from monitoring the water supply, possibly setting the stage for the current lead crisis.



Mayor Ras Baraka of Newark has defended his performance and lashed out at federal officials, saying they had refused to give the city money to pay for new pipes and bottled water. Bryan Anselm for The New York Times

An investigation by The New York Times, based on dozens of interviews and hundreds of pages of public records, reveals blunders at all levels of government in safeguarding Newark's water infrastructure. City officials brushed aside warnings and allowed the system to deteriorate, while state and federal regulators often did not intervene forcefully enough to help prevent the crisis.

"There clearly has been a systemic failure," said Erik Olson, a senior director at the Natural Resources Defense Council, an environmental group that has sued the city over the lead levels. "Residents of Newark are the ones harmed by the top-to-bottom failures of government."

In fact, as the crisis has grown in recent weeks, officials have turned on one another, in an apparent effort to shift blame.

In an interview, Mayor Baraka defended his performance and lashed out at federal environmental officials, saying they had repeatedly refused to give the city money to pay for new pipes and bottled water.

"We have been getting no love from them, from that place at all," Mr. Baraka said, adding that he was not criticizing the federal scientists on the ground in Newark.

Mr. Baraka defended his decision to appoint Kareem Adeem as acting director of the water department in November, overseeing a system that provides water to 400,000 people in the city and surrounding communities.

In 2011, Mr. Adeem was released from federal prison after serving four years for conspiring to sell five kilograms of cocaine, according to court records.

Mr. Adeem, who worked lower-level jobs in the department before prison, received the $130,000-a-year position but does not have a college degree. He was deputy director of the department before becoming acting director.

"His knowledge of this stuff is unparalleled," Mr. Baraka said. "There's no one else in the city who has the level of information, and I have full confidence that he knows what he's doing."

For his part, Mr. Adeem said he and his team were working hard to address the crisis.

"Early on in my life, I made some bad choices," he said. "I got a second chance. And I'm going to take full advantage of my second chance, helping my city that I love."

Judith Enck, a former E.P.A. regional administrator whose territory included New Jersey, said officials who run municipal water systems are typically engineers.

"It's not an easy job," she said. "There are a lot of regulatory requirements. Someone is in a better position if they've got an engineering background and some management experience."

The first test results to show sharply elevated lead levels in Newark were delivered to the city in July 2017. Bryan Anselm for The New York Times

An impoverished city, an aging water system

Newark, with 285,000 people, is the largest city in New Jersey, but also one of the poorest in the country. It has long struggled with lead contamination, both in the water and from paint in homes.

No concerns have been raised about the source of the water — reservoirs in northern New Jersey. The lead has leached into the tap water from 15,000 antiquated service lines that connect water pipes to homes and businesses.

City and state officials have known for years that the infrastructure was a major risk, but they lacked the funding to replace the aging service lines.

So, the city turned to an approved chemical, sodium silicate, that prevents corrosion and the leaching of lead from pipes into water. For more than two decades, it worked as expected, and no tests showed elevated levels of lead.

Then in 2016, the chemical seemed to stop working.

Here is what appeared to have happened, according to interviews and public records: The year before, the city had tinkered with the water, increasing its acidity to tamp down on possible carcinogens.

But the increased acidity seemed to reduce the effectiveness of the sodium silicate.

Elevated lead levels were found in water in nearly half of the public and charter schools in Newark. City and state officials maintained that findings in the schools were caused largely by internal plumbing and poor maintenance.

Yet beginning in 2017, New Jersey switched its water testing requirements, forced some cities to test twice a year for contaminants instead of once every three years.

The first test results to show sharply elevated lead levels in Newark were delivered to the city in July 2017 through a letter of "non-compliance" from the state Department of Environmental Protection.

A coalition of national and local groups, including the Natural Resources Defense Council, sent a letter to the city demanding more information and urgent measures in response to the results.

They were met with public silence.

Mr. Baraka said in the interview that after the July 2017 letter, Newark began extensive testing as required by state law.

He said the city also notified any homes that had tested positive for lead.

But he maintained that the city simply did not know the extent of the leaching to warrant further actions, like distributing filters to homes.

"We didn't know if there was a widespread problem, or if there's a specific problem in people's homes," Mr. Baraka said. "That's why the protocols are in place. So you can continue to do the testing."

Water is stored at John F. Kennedy School. The lead crisis has sowed anger, anxiety and confusion among residents, who question whether the city's negligence has endangered children. Joshua Bright for The New York Times

'Outrageously false statements'

In January 2018, the second consecutive test results from the state found similar lead levels in Newark's water, leading to renewed calls from local activists and national groups for transparency and action.

But Mr. Baraka played down the warnings. In the city's annual water quality brochure, which is required by federal law to be mailed to residents each year, he wrote that the high-lead readings were only in older homes.

"Many of you have heard or read the outrageously false statements about our water but please know that the quality of our water meets all federal and state standards," the mayor wrote on the first page of the 12-page brochure.

Buried on the fifth page, in a single paragraph, was more extensive information about the consecutive tests showing elevated lead levels.

A month later, a consultant from CDM Smith, a company hired by Newark to conduct a study of the water, sent an email to top officials at the water department, including Mr. Adeem, stating that the chemical the city had been using for nearly 20 years to prevent leaching appeared to be failing.

By this point, the water had become an election issue. Mr. Baraka's re-election opponent, Gayle Chaneyfield Jenkins, said the lead levels showed a failure of leadership.

Mr. Baraka dismissed the warnings and rejected comparisons to Flint.

In a statement in capital letters on the city's website, he railed against "absolutely and outrageously false statements" about the city's water. (That statement was deleted in October 2018.)

In the interview, Mr. Baraka said he has sought to draw a distinction between Newark's source water in its reservoirs and water that may have later been contaminated by lead from water mains.

"All I've been trying to do is make sure people have the facts," Mr. Baraka said. "We can disagree and go back and forth on how that messaging was crafted."

He was re-elected with an overwhelming majority in June 2018. A month later, the city received its third consecutive letter of noncompliance from the state, saying that for 18 consecutive months, Newark's water was above the federal action level.

In December, the city hired Mercury Public Affairs, a public relations firm that was also contracted by former Gov. Rick Snyder of Michigan during the Flint water crisis. The $225,000 contract was intended to combat the negative publicity over contaminated water.

Mr. Baraka greeting Senator Cory Booker at a campaign event in May. Mr. Booker, who is running for president, was Newark's mayor from 2006 to 2013.
Bryan Anselm for The New York Times

A Cory Booker legacy

Mr. Booker is promoting his environmental achievements as a pillar of his presidential bid, but his tenure as Newark's mayor ended with a scandal that the current water crisis has dragged back into public eye.

The Newark Watershed Conservation and Development Corporation was a public-private agency he revamped and stocked with leadership to handle water operations. But several of the agency's leaders skimmed money and obtained kickbacks, leaving it poorly managed, according to court records and interviews.

"Officials were concerned with taking money, not running a professional water department by hiring chemists and engineers who know how to meet E.P.A. requirements," said Brendan O'Flaherty, a Columbia University economist who served briefly in Mr. Booker's mayoral administration. "They left behind a seriously depleted department that made the sort of mistakes responsible for the current crisis."

A 2014 report by the New Jersey comptroller outlined rampant abuse of public funds and scant oversight.

The atmosphere was such that staff members felt they "could do their own thing," Linda Watkins-Brashear, the agency's former director, later told investigators. She is now in federal prison, one of eight people charged in the scandal.

Mr. Booker came under intense criticism for failing to supervise the troubled agency, but he was never implicated in the scandal.

Newark officials issued a declaration last fall to allow them to purchase and distribute water filters for faucets in homes, according to an internal memorandum. Bryan Anselm for The New York Times

A spokeswoman for Mr. Booker's campaign, Sabrina Singh, said Mr. Booker had fought for years for clean drinking water and improved urban infrastructure "from Newark City Hall to the Capitol."

She said the earlier scandal was unrelated to the current crisis.

"There is just no connection between the people who defrauded Newark residents at the Newark Watershed a decade ago and the very real water crisis impacting Newark residents today — other than they both share one word in common — 'water'," she said.

Still, critics claimed the scandal likely compromised water operations going forward. Newark officials now say that some water testing records were lost during this tumultuous period in the city's water stewardship.

It was around the time that the watershed agency was mired in scandal that acidity levels started increasing, for reasons that remain unclear. Acidity levels were in safe territory until 2015, when a sharp acceleration corroded pipes, leading to lead leaching.

"The first rule of corrosion control is to never let acidic water contact lead pipe" said Marc Edwards, a professor of engineering at Virginia Tech.

He added, based on data in reports by CDM, the consultants, "There was acidic water in the Newark system for quite some time."

Andrew Pappachen, a longtime director of public works in Newark who retired last year, said the city had monitored the water chemistry carefully during the Booker years, stored records carefully and kept acidity levels safe.

Workers removed old water pipes on South 17th Street on Thursday. Newark has long struggled with lead contamination, both in the water and from paint in homes. Bryan Anselm for The New York Times

A scramble to respond

Last October, spurred by alarming test results, officials from city, state and federal agencies moved quickly to try to coordinate a rapid response. Yet that effort soon turned to squabbling and finger pointing.

Newark officials issued an emergency declaration to allow them to purchase and distribute water filters for faucets in homes, according to an internal memorandum. The emergency declaration was never made public.

Then, in May, officials added a new chemical to the water — orthophosphate — that has proved helpful at preventing leaching. The chemical would take roughly six months to be effective.

At the state's urging, the city began testing in homes to see if the orthophosphate was working its way into the water. As a precaution, the state also asked the city to test, for the first time, whether water filters were removing lead.

But the tests revealed two of three filters studied were not properly removing the lead. E.P.A. officials responded by sending a letter on Aug. 9 that threatened penalties "should the state and city not promptly undertake" distribution of bottled water and other actions.

Signs let residents know where to pick up bottled water. "I didn't even know they were giving out free water until my sister called me," one resident said. Bryan Anselm for The New York Times

Gov. Philip D. Murphy and Mayor Baraka then agreed to distribute bottled water, even as their aides began questioning why the E.P.A. had recommended filters that were now in doubt.

"We've gone above and beyond by providing the filters," Catherine McCabe, the commissioner of the state Department of Environmental Protection. "We're going above and beyond again in figuring out what's wrong with the filters, although that is really something that E.P.A. should be full time focused on."

After a week when state and city officials scrambled to distribute thousands of cases of bottled water and test hundreds of filters, the E.P.A. sent in field technicians and opened its local labs to speed up testing.

In a statement, the agency noted that the city and state had primary responsibility for safeguarding the water. "We continue to work together to find a longer-term solution to address the risks," it said.

For their part, Newark residents will be picking up water for at least another month, until further testing shows lower lead levels.

"This is just a mess. I didn't even know they were giving out free water until my sister called me to tell me," said Adunola Clement, 45, as she picked up water on a recent week. "I don't know what's going on, but they are going to have to do something to fix this."

Christina Goldbaum contributed reporting. Susan Beachy contributed research.

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A version of this article appears in print on Aug. 24, 2019, Section A, Page 1 of the New York edition with the headline: Newark Idled As Lead Crept Into Its Water

THE LEADER IN ENERGY AND ENVIRONMENT NEWS

AIR POLLUTION

Greens win big on Obama ozone standards

Ellen M. Gilmer and Sean Reilly, E&E News reporters

Published: Friday, August 23, 2019

Federal judges today largely upheld Obama-era ozone standards. Traveljunction/Flickr

Environmentalists scored a major win today as a federal appeals court rejected industry challenges to Obama-era ozone standards and ordered EPA to take a closer look at one part of the requirements that green groups deemed too lenient.

The long-awaited **decision** by the U.S. Court of Appeals for the District of Columbia Circuit cast aside several industry and red-state arguments that the 2015 primary ozone standard — which said levels of the air pollutant must be limited to 70 parts per billion to protect public health — was impossible to achieve (***Greenwire***, Aug. 23).

"The court really put the kibosh on the polluters' arguments," Earthjustice attorney Seth Johnson, who argued the case for environmental groups, told E&E News after the ruling.

"It ruled that their arguments about costs are foreclosed by existing case law and their arguments that EPA had to consider or could consider whether background levels of ozone affected attainability, there's no room for this under the statute," he added. "And that's a big deal."

Murray Energy Corp. led the charge against the Obama-era standards, joined by a coalition of states and industry groups representing energy producers and manufacturers. They said implementing the 2015 EPA requirements would cause "adverse economic, social and energy impacts."

A three-judge panel unanimously rebuffed the arguments today, noting that the Supreme Court 2001 decision in *Whitman v. American Trucking Associations* bars EPA from considering the cost of Clean Air Act standards. Industry's argument about "impacts" was simply a veiled reference to costs, the court found.

"*Whitman* forbids EPA from taking these considerations into account, however denominated," the judges wrote.

The court also rejected the argument that the 2015 standards would place an unfair burden on states with high levels of background ozone that drifts across borders: "The text of the Act forecloses this argument."

Supporters of the Obama-era standards — officially known as National Ambient Air Quality Standards, or NAAQS — celebrated the ruling as a win for public health.

"Today's decision strikes down an attempt by corporate interests to weaken ozone standards and continue to collect massive profits at the expense of our children's health," California Attorney General Xavier Becerra (D)

said in a statement.

EPA said it is reviewing the decision.

Secondary standard, grandfathering

The 2015 ozone standards have been litigated for years. Industry filed suit in 2015, and the case was put on hold while the Trump administration decided whether to defend the Obama-era approach. Ultimately it did, and the D.C. Circuit heard oral arguments last year (***Greenwire***, Dec. 18, 2018).

Experts said today's ruling will make it much harder for the Trump administration to attempt to loosen the ozone standards in future proceedings.

"I don't think we're going to see a laxer ozone standard from EPA next time around," said Jack Lienke, regulatory policy director at New York University School of Law's Institute for Policy Integrity, which filed a brief in the case in support of the 2015 requirements.

Environmental groups in the case fended off attacks from industry and Republican-led states but also made separate arguments for stricter standards. The D.C. Circuit rejected their calls for a stronger primary standard, the threshold for protecting public health. EPA's decision to choose a level on the less stringent end of a range recommended by the Clean Air Scientific Advisory Committee was permissible, the court found.

But the judges agreed that EPA should reconsider its secondary standard, the threshold for protecting animals, crops and vegetation. They ruled that EPA failed to justify its decision to depart from science advisers' recommendations for protecting the environment from ozone and must either align its secondary standard with that guidance or explain its choice not to.

"We hold that EPA has not explained its decision to set a target level of protection against tree growth loss based on a three-year average of cumulative, single-year ozone exposures, nor has it justified its decision not to specify any level of air quality requisite to protect against visible leaf injury," the court said.

Today's ruling also scrapped a grandfathering provision built into the 2015 standards that exempted some sources with pending permit applications from meeting the new thresholds.

"That is exactly what the plain text of the Act forbids," the court ruled, pointing to Clean Air Act language that bars the construction of major facilities that would exceed national standards.

Judges Thomas Griffith, Nina Pillard and Robert Wilkins sat on the panel. Griffith is a George W. Bush appointee, and the others are Obama appointees.

Complications

The opinion represents at least a partial victory for Obama-era EPA officials who had faced widespread criticism from industry groups and Republican members of Congress in the wake of their decision to tighten the standard almost four years ago from the previous 75 ppb benchmark set in 2008 (***E&E News PM***, Oct. 1, 2015).

In an email this morning, Janet McCabe, who was acting air chief in 2015, said she hadn't yet read the opinion but said it was "good to see" the primary standard upheld.

"Millions of people across the country suffer from exposure to high levels of ozone, and it is important that the court has affirmed that a science-based health standard is what the Clean Air Act calls for, and that EPA did its job correctly in establishing the current standard," McCabe said.

The opinion landed as EPA is in the early stages of a new review of the ozone standards ordered last year by then-Administrator Scott Pruitt. The agency is set to release a detailed plan for that review early next week; under Pruitt's directive, it is scheduled to conclude by October 2020.

But the court's decision to remand the 2015 secondary standard to EPA could complicate the new review. EPA press aides also did not immediately respond to a query on whether the agency had anticipated that possibility. But two of the industry groups that challenged the 2015 primary standard as overly stringent indicated they intend to be involved in the new assessment.

"We are reviewing today's judicial opinion and will plan to respond to EPA's next proposal on [the] ozone NAAQS," American Petroleum Institute spokesman Scott Lauermann said in an email. Since 2005, U.S. ozone concentrations have fallen by 17%, in part because of oil and gas industry spending, Lauermann said. "We look forward to continuing this progress in achieving our shared goals of protecting public health and the environment and meeting the nation's energy needs."

In a statement, the American Chemistry Council reiterated its support for the grandfathering provision struck down by the court and said it would seek its reinstatement either in the new review of the ozone thresholds or in the course of a broader EPA examination of its procedures for setting NAAQS.

"Grandfathering should apply to any PSD [prevention of significant deterioration] permits that have gone through their public notice periods by the time designations pursuant to any revised NAAQS are finalized," the statement said.

The U.S. Chamber of Commerce and the National Association of Manufacturers, two other business heavyweights that had been at the forefront of opposition to the 2015 standards, did not immediately reply to requests for comment.

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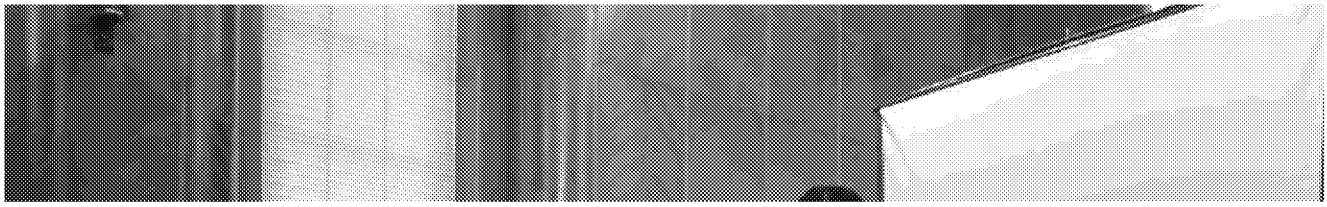
LOCAL

Houstonians Urged To Participate In State Flood Planning Process

Texas Water Development Board officials hosted a town hall about how to spend almost $800 million in flood mitigation funding.

JEN RICE | AUGUST 26, 2019, 4:20 PM



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Jen Rice/Houston Public Media

State Sen. Carol Alvarado speaks at the TWDB workshop in Houston.

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Texas water officials were in Houston as part of a statewide series of flooding town hall meetings to plan for future storms. The Texas Wa Development Board held workshops across the state in August to get public comment on what they're calling the first-ever statewide floo

In January, the agency presented a State Flood Assessment report to the legislature, calling for accurate floodplain maps, updated rainfa and a unified, coordinated state strategy to plan for flooding. According to the report, the projected cost of future flood mitigation in Texas least $31.5 billion, and the statewide funding shortfall is estimated to be at least $18 billion.

Earlier this year, state lawmakers allocated $793 million from the Rainy Day Fund for drainage and flood projects. TWDB officials asked participants at the Houston town hall to help the agency rank spending priorities.

"This is setting the framework for a statewide flood plan but also seeking input on how these funds get dispersed," State Senator Carol A D-Houston, said. "Are they low interest rate loans? Are they grants? Is it a hybrid? And what is the best way to get the money out as effici possible and quickly?"

Alvarado said she hopes voters will approve Proposition 8, a ballot measure in November that would add a new Flood Infrastructure Fun state's constitution.

According to TWDB officials, the state flood plan will include a list that ranks upcoming flood projects. The plan is expected to be comple 2024.

"It's something we should have done a long time ago but I think we need to focus on moving forward and making sure we get Proposition passed and that we can quickly get money out to local government entities," Alvarado said.

TWDB board member Kathleen Jackson said the new flood plan will be a game changer for Texas because now the state will begin plan proactively for major storms. The final plan isn't due for another five years, but Jackson said Texans should see benefits before then.

"We're going to get data and information that communities will be able to use from the very onset," Jackson said. "So we'll be developing ever state flood plan, and that will be something that will take a number of years to put in place, but we'll be able to utilize the information coming from that process to feed into community leadership."

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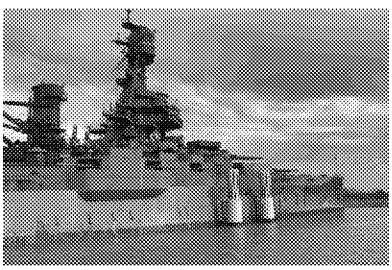

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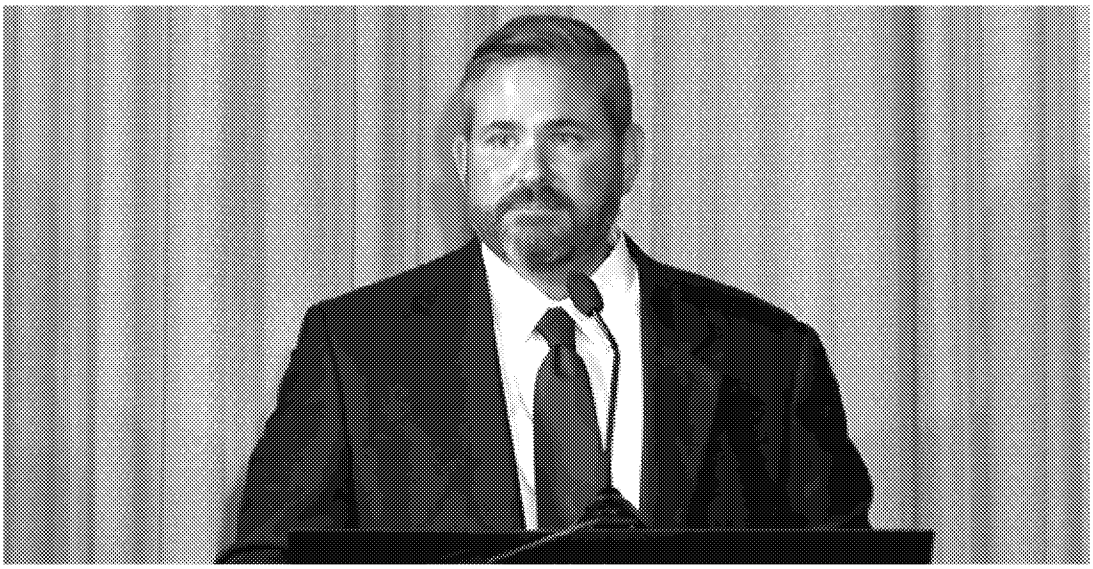
EPA

Top official's move renews anger over teleworking limits

Kevin Bogardus, E&E News reporter

Greenwire: Monday, August 26, 2019



Former acting EPA Deputy Administrator Henry Darwin will begin working in the agency's Phoenix office next week. EPA

Employees and union officials at EPA are frustrated with the agency's decision to have a top leadership aide work from his home state starting next month.

The move has reignited tensions over a recent contract imposed by EPA management limiting teleworking flexibility for many agency staffers.

Last week, the agency announced Henry Darwin is stepping down as acting deputy administrator Sept. 1 but returning to his original role as assistant deputy administrator, according to an **internal email** obtained by E&E News. In addition, Darwin will work from an EPA office in Arizona, where he had served in state government as chief operating officer under Gov. Doug Ducey (R) and earlier as director of the Arizona Department of Environmental Quality.

"Given the amount of time he already spends traveling to the regional offices ... his relocation to Phoenix should not impact his ability to help us become even more effective in carrying out our very important mission. In addition, Henry will be here at headquarters on a regular basis," EPA Administrator Andrew Wheeler said in the email to staff sent Friday.

But Darwin's move is causing friction with some in the agency.

The majority of EPA's workforce have recently seen their work schedules upended as management last month imposed a new **contract** with bargaining unit employees for American Federation of Government Employees Council 238, the agency's largest union. That contract has placed new limits on telework, requiring those staff to report to their work sites four days per week. Many of those employees used to work from home two days a week, using that flexibility to pick up their kids from school and cut down on time spent commuting.

Jeanne Schulze, president of AFGE Local 1003, which represents EPA Region 6 employees, described different treatment for top officials compared with staff at EPA.

"Ironic if he has full-time telework while they gut rank and file's telework," Schulze told E&E News. "More of the same 'do as we say, not as we do,' just in a different package."

She added that EPA told staff in its Houston regional lab that they had to relocate to Ada, Okla., and wouldn't consider reassignments to the main Region 6 office in Dallas.

Others at EPA were unhappy with the announcement about Darwin.

"Henry should eat his own dog food and not be allowed to telework either," an EPA employee said.

In response to criticism of Darwin's relocation to Arizona, EPA spokesman Michael Abboud said, "He doesn't have telework, he has to report to a duty station."

In Arizona, Darwin will work on integrating EPA's "Lean" management system — a set of principles he has long championed to streamline government operations and make them more effective — with the Government Performance and Results Act, the GPRA Modernization Act, and the Foundations for Evidence-Based Policymaking Act, Wheeler said in his email.

Wheeler also announced that Darwin's wife, Veronica Darwin, left EPA on Aug. 9 and has already returned to Arizona to work for the state there. She worked at the agency for more than two years, joining EPA with her husband as a senior adviser in the Office of Land and Emergency Management.

"While at EPA, Veronica managed implementation of the Superfund Task Force recommendations, and led other Administrator priorities like children's health, and the development of the action plan for lead. These key initiatives will remain Administrator priorities, however Veronica's leadership will be greatly missed," Wheeler said.

She already has Arizona state government experience, including having worked at ADEQ, and also served in the EPA Region 9 office in the past.

Wheeler also said that Doug Benevento, formerly the head of EPA Region 8 and now senior counselor for regional management and state affairs, would take on "a senior leadership role" as associate deputy administrator at EPA.

"Along with his other new duties, he will continue to manage the regions and serve in an ombudsman role between the regions and national programs on the implementation of Agency priorities," Wheeler said.

EPA's Arizona office

Some EPA employees were confused by Wheeler's reference to "EPA's Arizona office" in his email, but the agency does have a facility in the state.

Abboud said Darwin's duty station will be Phoenix, where EPA space is located in the Sandra Day O'Connor U.S. Courthouse. The agency has been there since 2012, with its current agreement with the General Services Administration expiring at the end of June 2021, said the EPA spokesman. Abboud also said there is currently one EPA employee in that office.

That location is the Phoenix Resident Office run by EPA's Criminal Investigation Division. That division has special agents stationed in more than 40 locations across the country, keeping them near by to track down environmental crimes.

A former senior EPA enforcement official said the division's Phoenix office could support a top leadership aide like an assistant deputy administrator.

"The space is meant to be used where it can be across the agency to support the broader mission," said the former official. "All the office space is built to GSA specs and can be used to carry out folks' duties, connectivity and otherwise."

Others, however, argued that Darwin's move wasn't based on necessity.

"People are place-based in Arizona when their work requires them to be in Arizona, not just for their personal convenience," said Bethany Dreyfus, president of AFGE Local 1236, which represents EPA Region 9 employees. "People are place-based in EPA field offices when it's needed for their work for the agency."

For example, Dreyfus said, EPA employees working on border issues are often stationed in the agency's San Diego office.

Phoenix and EPA have been brought to attention before under the Trump administration.

Republican donors and Arizona real estate developers met with then-EPA Administrator Scott Pruitt in 2017 to discuss a proposal to have the agency move its Region 9 office from San Francisco to Phoenix. At the time, an EPA spokeswoman said the agency had no plans to do so (***Climatewire***, Oct. 19, 2017).

Travel controversies

Top EPA officials have come under scrutiny for keeping a home far away from their place of work, whether it was headquarters or somewhere else.

In 2016, then-House Science, Space and Technology Chairman Lamar Smith (R-Texas) **wrote** to EPA questioning travel to Indiana by Janet McCabe, acting air chief at EPA during the Obama administration.

McCabe kept her home in Indianapolis and commuted to Washington, D.C., for the workweek. EPA said she paid for all her personal travel (***Greenwire***, Feb. 23, 2016).

Mike Stoker, the EPA Region 9 head under the Trump administration, was the subject of a **management alert** by the agency's inspector general for frequent travel that often kept him away from EPA's San Francisco office, where more than 90% of his staff works. EPA Chief of Staff Ryan Jackson defended Stoker's trips, saying he was expected to travel and be accessible throughout the region (***E&E News PM***, March 21).

Regarding Darwin's relocation to Arizona, several EPA employees said it was special treatment for a top agency official.

"To have his title, he should be doing more than just Lean work," said one. "They talk about the D.C. swamp. They have just replaced it with a satellite office cesspool."

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